

No. 99

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CHARLES ELWOOD BROTHMAN
CLERK

Supreme Court of the United States

OCTOBER TERM, 1947.

ARMAND ROBICHAUD,

Petitioner,

vs.

DANIEL J. BRENNAN, Judge of Essex County Court of
Common Pleas, State of New Jersey, *et al.*,

Respondents.

ON APPLICATION FOR CERTIORARI TO THE NEW JERSEY
COURT OF ERRORS AND APPEALS.

PETITION FOR REHEARING.

THOMAS McNULTY,

Counsel for Petitioner,

1 Exchange Place,

Jersey City, New Jersey.

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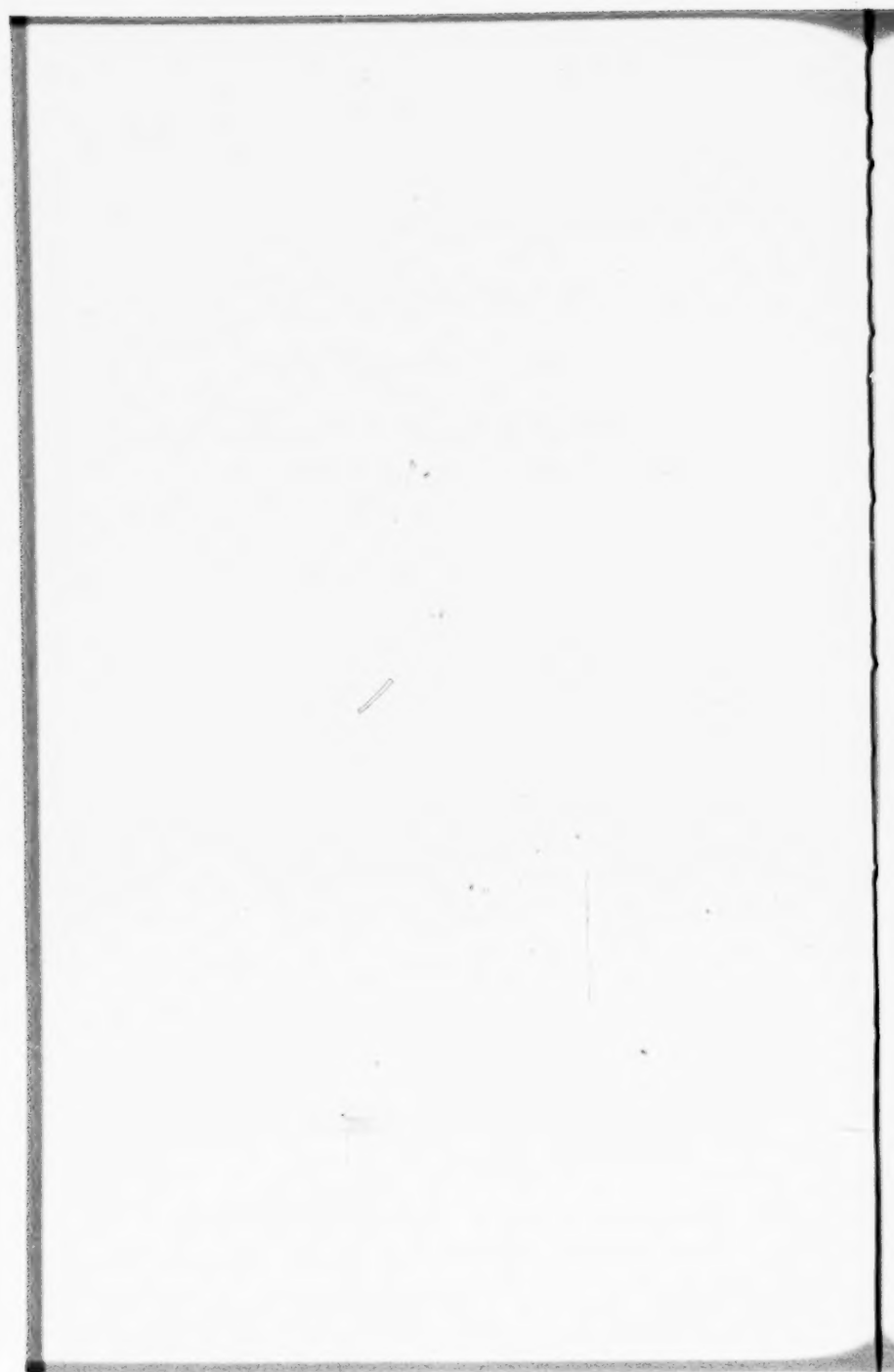
ON APPLICATION FOR CERTIORARI TO THE NEW JERSEY
COURT OF ERRORS AND APPEALS.

PETITION FOR REHEARING.

Petitioner, Armand Robichaud, respectfully prays for a rehearing and reversal of the order hereinbefore entered on the 16th day of October, 1947, denying his petition for writ of certiorari to the Court of Errors and Appeals of New Jersey.

1. The petitioner feels that the important federal questions raised in the courts below have been obscured partly because the questions were not discussed or decided in the opinions below and partly because the petition for certiorari and the briefs filed by both parties stressed collateral and non-federal issues.

2. These questions are: Does the judgment of the New Jersey Court of Errors and Appeals affirming the judgments of the courts below discharging the writ of



habeas corpus erroneously deprive petitioner of his rights under the Fourteenth Amendment of the Federal Constitution in that:

(a) It results in a deprivation of his privilege and immunity as a citizen of the United States to move freely from state to state and not to be forcibly removed from the state of his domicile, except in conformity with the Federal Constitution and the implementing Federal Extradition Statute.

This privilege and immunity arises directly from the Federal Constitution (Article IV, Section 2) and is protected by the privilege and immunity clause of the Fourteenth Amendment.

(b) It also results in a deprivation of his right to insist that prior to any forcible removal from the state of his domicile on an extradition warrant that such warrant and the supporting documents be in conformity with the Federal Constitution and the implementing Statute. This right is "implicit in the concept of well ordered liberty" and is protected by the due process clause of the Fourteenth Amendment.

I hereby certify that the foregoing petition is presented in good faith and not for delay.

THOMAS McNULTY,
Counsel for Petitioner.